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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8 WESTERN DIVISION
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10 WILLIAM CHESTNUT,) No. CV 13-07800-MMM (VBK)
11) CV 13-07490-MMM (VBK)
12)
13) ORDER TO SHOW CAUSE WHY ACTION
14) CV 13-07800-MMM (VBK) SHOULD NOT
15) BE CONSOLIDATED WITH CV 13-07490-
16) MMM (VBK)
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On October 9, 2013, William Chestnut (hereinafter referred to as "Petitioner") filed a "Petition for Writ of Habeas Corpus" ("Petition") in the United States District Court for the Central District of California which was given Case No. CV 13-07490-MMM (VBK). Petitioner raised the following claims: (1) The trial court abused its discretion and violated a plea agreement when it imposed an improper sentence; and (2) Petitioner's trial counsel was ineffective for failing to object to sentencing errors and to the trial court's violation of the plea agreement. (See Petition at 3-16.)

On October 22, 2013, Petitioner filed a "Petition for Writ of Habeas Corpus" in the United States District Court for the Central

1 District of California that was given Case No. CV 13-07800-MMM (VBK).¹
2 The Court's initial review of the Petition revealed the following
3 deficiencies:

4 (1) Petitioner submitted the Petition on a Los Angeles County
5 Superior Court form rather than a form utilized by the
6 United States District Court for the Central District of
7 California;

8 (2) Petitioner raised the following claim in his Petition: (1)
9 "defense counsel's failure to research and produce United
10 States Supreme Court case authorities applicable re: police
11 illegal seizure of guests from hotel room by force to create
12 exigency to gain access to hotel room to educate the jury
13 implicated a violation of Petitioner's constitutional
14 guaranteed liberties under the due process of law by
15 Amendments 4, 6, 9 and 14 to the United States Constitution.
16 (See Petition at p. 3.) Petitioner also attached a
17 "Petition for Writ of Habeas Corpus and Memorandum of Points
18 and Authorities in Support Thereof" containing 39 pages, a
19 copy of United States v. Terrence Cole, 437 F.3d 361 (2d
20 Cir. 2006), a Minute Order dated August 1, 2013 denying
21 Petitioner's habeas petition, a document entitled
22 "Petitioner's Opposition to Lower Court Ruling" apparently
23 filed in the California Court of Appeal Second District
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28 ¹ This case was erroneously given a new case number rather
than filed in Case No. CV 13-07490-MMM (VBK).

1 containing ten pages and dated August 21, 2013.²

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3 It appears to the Court that Petitioner may have erroneously
4 filed this Petition in the United States District Court rather than
5 the California Court of Appeal. It also appears to the Court from its
6 review of the Petitions herein filed by Petitioner that (a) the issues
7 raised in these actions are directly related; (b) at least some of the
8 legal and factual issues raised in these actions are identical; (c)
9 there is a risk of inconsistent rulings on issues of law and fact if
10 the two actions are allowed to proceed simultaneously; and (d) it is
11 not in the interest of judicial economy to allow the two actions to
12 proceed simultaneously.

13 The Court **HEREBY ORDERS** Petitioner to show cause within 21 days
14 of the date of this Order as to why CV 13-07800-MMM (VBK) should not
15 be consolidated with CV 13-07490-MMM (VBK).

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17 DATED: February 28, 2014

17 /s/
18 VICTOR B. KENTON
19 UNITED STATES MAGISTRATE JUDGE
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25 ² On October 29, 2013, the Court issued an Order Dismissing
26 Petition With Leave to Amend. Petitioner failed to file an Amended
27 Petition curing the defects. On December 12, 2013, the Court issued a
28 Minute Order ordering Petitioner to file a First Amended Petition and
notifying Petitioner that failure to comply with the Court's Orders
could result in a recommendation of dismissal. Petitioner has failed
to respond to the Court's Orders.